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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/790,108  | 03/02/2004  | Keiji Furukawa       | S8725.0005/P005-A   | 1153             |
| 24998   | 7590        | 09/17/2004           | EXAMINER            |                  |
| DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP<br>2101 L STREET NW<br>WASHINGTON, DC 20037-1526 |             |                      | NELSON JR, MILTON   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |

3636

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/790,108

Applicant(s)

FURUKAWA, KEIJI

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Preliminary Amendment***

The preliminary amendment filed March 2, 2004 has been entered.

### ***Information Disclosure Statement***

The information referred to in the information disclosure statement filed March 2, 2004 has been considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 5 of claim 4, it is unclear if "a belt portion" is intended to be the same feature as the previously set forth "seat belt portion". In line 5 of claim 5, it is unclear whether the air bag is mounted to the belt portion "or" the belt latch portion. In line 8 of claim 5, it is unclear whether Applicant is positively setting forth the function relative to an accident "or" an expansion of another air bag. In lines 4 to 5 of claim 6, it is unclear how "a seat body" is located "in the seat belt portion".

Similarly note claim 13. Claim 7 is indefinite since it depends from indefinite claim 4. In

Art Unit: 3636

lines 3 to 4 of claim 8, it is unclear if "an expanded flexible material" is the same feature as the previously set forth flexible elastic material. In line 9 of claim 8, it is unclear if "the belt portion" is intended to be the same feature as the previously set forth seat belt portion. In lines 2 to 3 of claim 9, it appears that "an occupant" is being positively claimed. Such is indefinite. It is suggested that appropriate "adapted for" or similar language be added to the claim. Claim 10 is indefinite since it depends from indefinite claim 6. In line 2 of claim 6, it is unclear if "an expanded flexible material" is intended to be the same feature as the previously set forth flexible elastic material. In claim 12, it is unclear if "right and left supporting columns" and "fixing positions" are intended to be the same as the right and left supporting columns and fixing positions previously set forth in claim 6. Claim 14 is indefinite since it depends from indefinite claim 5. In line 2 of claim 15, it is unclear if "an expanded flexible material" is intended to be the same feature as the previously set forth airbag. In claim 15, it appears that "an occupant" is being positively claimed. Such is indefinite. It is suggested that appropriate "adapted for" or similar language be added to the claim.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Art Unit: 3636

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it includes legal phraseology ("means"). Additionally, recitation to the "invention" has been included. Correction is required. See MPEP § 608.01(b).

### ***Allowable Subject Matter***

Claims 6-8 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4, 5, and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Election/Restrictions***

Applicant's election without traverse of Embodiment II, Figures 7 and 8, claims 4, 5, 8, 9, 11 and 15 in the reply filed on August 30, 2004 is acknowledged. Claims 6, 7, 10 and 12-14 have been non-elected. It is noted that claim 11 is dependent from non-elected claim 6, which necessitates claim 11 being non-elected. Subsequent to the election, allowable subject matter has been found in the generic claims. As such, all claims have been treated on the merits.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. An airbag associated with a restraint device is shown by each of Coursey (5511850), Lewis (5851055), Tanaka et al (5393091), Kokeyuchi (6082763), Tanaka et al (5385367), Castro et al (5464246), and Zakovic et al (6736455).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

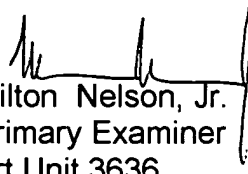
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/790,108

Page 6

Art Unit: 3636

  
Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

mn

September 15, 2004